

87th Legislative Session – 2012

Committee: Senate Education

Thursday, February 09, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
P Kraus
P Rampelberg
P Rave
P Schlekeway
P Gray, Vice-Chair
P Johnston, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Mark Johnston, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 7,2012

Moved by: Kraus
Second by: Rampelberg
Action: Prevailed by voice vote.

SB 130: require the school board of each school district to adopt a policy prohibiting bullying.

Presented by: Senator Bob Gray

MOTION: AMEND SB 130

130cc

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. If a school district does not have a bullying policy, the school district shall adopt a bullying policy that meets the requirements of this Act. If the school district already has a bullying policy in place, the school board shall review and, if necessary, revise the policy so that it meets the requirements of this Act.

Section 2. Bullying is the causing of physical hurt or psychological distress on one or more students that may involve threat, intimidation, stalking as defined in chapter 22-19A, physical violence, theft, destruction of property, any threatening use of data or computer software, written or verbal communication, or conduct directed against a student that:

- (1) Places a student in reasonable fear of harm to his or her person or damage to his or her property;
- (2) Substantially interferes with a student's educational performance; or
- (3) Substantially disrupts the orderly operation of a school.

For the purposes of this Act, bullying also includes retaliation against a student for asserting or alleging an act of bullying.

Section 3. Each school district policy developed pursuant to this Act shall contain the following provisions:

- (1) A statement prohibiting bullying, and a definition of bullying that includes the definition in section 2 of this Act; and
- (2) A statement that all students are protected with no mention of any protected classes of students.

Section 4. Any school district employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying to the appropriate school district official as designated in the school district's policy, and who makes the report in compliance with the provisions of the school district's policy is immune from any cause of action for damages arising from failure to remedy the reported incident.

Section 5. Neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action initiated pursuant to this Act."

Moved by: Schlekeway
Second by: Rave

Action: Prevailed by voice vote.

MOTION: AMEND SB 130

130cd

On the previously adopted amendment, 130cc, in the last sentence of Section 2, before "." insert ", and includes the reporting of an act of bullying that is not made in good faith".

Moved by: Rampelberg

Second by: Kraus

Action: Failed by voice vote.

MOTION: DO PASS SB 130 AS AMENDED

Moved by: Rave

Second by: Schlekeway

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Kraus, Rampelberg, Rave, Schlekeway, Gray, Johnston

SB 44: encourage school districts to adopt a bullying policy and to establish a model bullying policy.

Presented by: Senator Bob Gray

MOTION: DEFER SB 44 TO THE 41ST LEGISLATIVE DAY

Moved by: Gray

Second by: Rave

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Kraus, Rampelberg, Rave, Schlekeway, Gray, Johnston

SB 139: establish the Teach for America grant program within the Department of Education and to make an appropriation therefor.

Presented by: Senator Phyllis Heineman

Proponents: James Curran, Teach For America, Mission
Drew Madson, Allen, SD, Self

Opponents: Wade Pogany, Associated School Boards of SD
Dianna Miller, Large School Group
John Pedersen, School Administrator of South Dakota

MOTION: AMEND SB 139

139ca

On page 2, line 19, of the printed bill, delete "million five" and insert "dollar (\$1)".

On page 2, line 20, delete "hundred thousand dollars (\$1,500,000)".

Moved by: Rave
Second by: Kraus
Action: Prevailed by voice vote.

MOTION: REFER SB 139 TO APPROPRIATIONS AS AMENDED DO PASS

Moved by: Schlekeway
Second by: Rave
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Kraus, Rampelberg, Rave, Schlekeway, Gray, Johnston

SB 77: provide for the establishment of a scholarship program for postsecondary technical institute students and to make an appropriation therefor.

Presented by: Senator Russell Olson
Representative Mitch Fargen (Handouts: 1,2)
Proponents: Tim Dougherty, 3M Company
Dick Tieszen, Technical Institutes (Handout: 3)
Greg Von Wald, Mitchell Technical Institute
Julie Johnson, Absolutely Aberdeen
Bruce Yakley, Mitchell, Self
John Kerstiens, SD Farmers Union
Jeff Holdomb, Southeast Technical Institute
Melody Schopp, Department of Education

MOTION: AMEND SB 77

77tb

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. The Dakota Tech scholarship program is hereby established within the Governor's Office of Economic Development. Dakota Tech scholarships shall be awarded to encourage students at South Dakota's postsecondary technical institutes who are trained for employment in areas of critical need to remain in South Dakota upon completion of their postsecondary technical education. The Governor's Office of Economic Development shall provide for the awarding of Dakota Tech scholarships in accordance with the provisions of this Act.

Section 2. Terms used in this Act mean:

- (1) "Administrator," the organization selected by GOED as provided in this Act to administer the Dakota Tech scholarship program;
- (2) "Area of critical need," an occupation within South Dakota for certain types of employers in certain geographical areas as specified by rules promulgated by GOED pursuant to section 14 of this Act;
- (3) "Dakota Tech scholarship award," an amount awarded to an individual student under the Dakota Tech scholarship program;
- (4) "GOED," the Governor's Office of Economic Development;
- (5) "Postsecondary technical institute," a postsecondary institute established pursuant to chapter 13-39.

Section 3. The Governor's Office of Economic Development shall select a nonprofit corporation to act as the administrator of the Dakota Tech scholarship program. GOED shall issue a request for proposals to identify and select the appropriate entity to serve as the administrator. The administrator shall, in accordance with the provisions of this Act, provide for the selection of scholarship recipients, the disbursement of scholarship funds, the collection and repayment of funds from recipients who have become ineligible, and other measures necessary for the implementation of this Act.

Section 4. To be eligible for a Dakota Tech scholarship a person shall:

- (1) Have a high school diploma or general equivalency diploma (GED);
- (2) Agree in writing to stay in South Dakota and work in an area of critical need for a period of four years following graduation from a postsecondary technical institute; and
- (3) Enroll in or be accepted for enrollment by a postsecondary technical institute for a course of study in an area of critical need leading to a technical degree from the postsecondary technical institute.

Section 5. In order to maintain eligibility for a Dakota Tech scholarship a person shall:

- (1) Maintain a 2.5 grade point average on a 4.0 scale and maintain standing as a full-time or part-time student at a postsecondary technical institute;
- (2) Attend a postsecondary technical institute and earn a technical degree in an area of critical need within four years after the person's first enrollment at the technical institute.

Section 6. A Dakota Tech scholarship award shall be in the amount of five thousand dollars per student and is awarded once for the duration of the student's course of study. The administrator may award Dakota Tech scholarships only to the extent that funds are available to provide scholarships. If the amount of money in the Dakota Tech scholarship fund is insufficient to provide a Dakota Tech scholarship to all eligible applicants, the administrator shall consider a person's field of study and financial need in awarding a Dakota Tech scholarship.

Section 7. If a person has been awarded a Dakota Tech scholarship, the administrator shall pay the postsecondary technical institute at which the person is enrolled the amount of five thousand dollars, to be deducted from the person's tuition and fees over the duration of the person's course of study. The amount of the scholarship constitutes a obligation owed by the person to the administrator, which may be discharged as provided in sections 8 to 11, inclusive, of this Act.

Section 8. A person who has received a Dakota Tech scholarship is not required to repay any part of the scholarship if within six months of earning an eligible technical degree the person begins employment and is continuously employed in South Dakota for a period of forty-eight consecutive months in an area of critical need. A course of study and corresponding employment or occupation that was deemed an area of critical need at the time of the person's scholarship award remains an area of critical need for the duration of the person's course of study and for the forty-eight month employment period for purposes of determining any repayment obligation that the person may incur.

Section 9. If a person who has received a Dakota Tech scholarship does not maintain eligibility as specified in section 5 of this Act, the person shall reimburse the administrator the amount of the scholarship paid on behalf of the person, according to a repayment schedule set by GOED in rules promulgated pursuant to chapter 1-26.

Section 10. If a person who has received a Dakota Tech scholarship does not meet the requirement in section 8 of this Act, the person shall reimburse the administrator the amount of the scholarship paid on behalf of the person, according to a repayment schedule set by GOED in rules promulgated pursuant to chapter 1-26. The amount of repayment shall be based on the ratio of forty-eight months minus the number of months a person was continuously employed in an area of critical need to forty-eight months.

Section 11. If a person who has received a Dakota Tech scholarship is unable to maintain eligibility or remain employed in an area of critical need for forty-eight consecutive months due to factors outside the control of the person, the administrator may waive or delay the eligibility or repayment provisions of this Act.

Section 12. A person who has received a Dakota Tech scholarship shall annually report to the administrator the person's academic and occupational status on forms prescribed by the administrator.

Section 13. The Dakota Tech scholarship fund is hereby established as a separate fund in the state treasury to be administered by the Governor's Office of Economic Development. Money in the fund shall be used to implement the Dakota Tech scholarship program established pursuant to this Act. Money may enter the fund through legislative appropriations, fees, contributions, donations, grants, loans, interest received on money in the fund, and any other lawful public or private source. Money in the fund shall be appropriated by the Legislature through the normal budget process. Any expenditure from the fund shall be paid on warrants drawn by the state auditor on vouchers approved by the commissioner of the Governor's Office of Economic Development.

Section 14. The Governor's Office of Economic Development shall promulgate rules, pursuant to chapter 1-26, to implement the Dakota Tech scholarship program. The rules shall define occupations and geographical areas as areas of critical need, establish procedures for the awarding and acceptance of scholarships, establish requirements and guidelines to be followed by the administrator in implementing the program, establish criteria for monitoring the academic and occupational status of persons who have received a scholarship, establish financial need criteria, establish repayment schedules, and establish other procedures and requirements necessary for the implementation of the scholarship program.

Section 15. There is hereby appropriated from the general fund the sum of one dollar (\$1), or so much thereof as may be necessary, to the Governor's Office of Economic Development to be deposited into the Dakota Tech scholarship fund and made available, beginning on the effective date of this Act, to fund scholarships under the Dakota Tech scholarship program as provided in this Act. This appropriation may be used only for the funding of scholarships under the program. Administrative costs and other costs incurred by the administrator or by GOED in the implementation of the program may be met only through the use of funds from sources other than this appropriation.

Section 16. The commissioner of the Governor's Office of Economic Development shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 17. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2013, shall revert in accordance with the procedures prescribed in chapter 4-8."

Moved by: Rave
Second by: Bradford
Action: Prevailed by voice vote.

MOTION: REFER SB 77 TO APPROPRIATIONS AS AMENDED DO PASS

Moved by: Rave
Second by: Rampelberg
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Bradford, Rampelberg, Rave, Schlekeway, Gray, Johnston

Voting No: Kraus

SB 85: revise the calculation of the small school adjustment in the state aid to education formula, and to provide for the redistribution of certain funds appropriated for state aid to education.

Presented by: Senator Larry Tidemann
Proponents: Representative Dan Dryden (Handout: 4)
Dianna Miller, Large School Group (Handout: 5)
Vince Schaefer, Madison, Self
Opponents: Charlie Flowers, SD United Schools Association (Handouts: 6, 7)
James Cutshaw, Wolsey, Self

MOTION: AMEND SB 85

85ca

On page 3, between lines 1 and 2 of the printed bill, insert:

"

"Resident student fall enrollment," the number of resident kindergarten through twelfth grade students enrolled in all schools operated by the school district on the last Friday of September of the current school year minus the number of students for whom the district receives tuition, except plus nonresident students who are in the care and custody of a state agency and are attending a public school and students for whom tuition is being paid pursuant to § 13-28-42.1, plus the number of resident students for whom the district pays tuition. When computing the small school adjustment for any school district that is not sparse, the secretary of education shall use either the school district's resident student fall enrollment or the average of the school district's resident student fall enrollment from the previous two years, whichever is higher;"

On page 3, delete lines 10 to 17, inclusive, and insert :

"

"Small school adjustment," for any school district that is not defined as sparse pursuant to § 13-13-78 is calculated as follows:

- (a) For districts with a resident student fall enrollment of two hundred or less, multiply 0.2 times \$4,237.72;
- (b) For districts with a resident student fall enrollment of greater than two hundred, but less than six hundred, multiply the fall enrollment times negative 0.0005; add 0.3 to that result; and multiply the sum obtained times \$4,237.72;

If a school district's fall enrollment is greater than 600, the district is not eligible for the small school adjustment even if the resident student fall enrollment is less than 600."

On page 4, line 1, after "year" strike "2012 is \$4,389.95" and insert "2013 is \$4,494.19".

On page 4, line 8, delete "number of".

On page 4, line 9, delete "students enrolled" and insert "student fall enrollment".

On page 5, delete lines 7 to 9, inclusive, and insert:

"

For any school district that is not defined as sparse pursuant to § 13-13-78, multiply the small school adjustment, if applicable, by the resident student fall enrollment; and"

On page 5, delete lines 21 to 24, inclusive.

On page 6, delete lines 1 to 4, inclusive.

Moved by: Schlekeway
Second by: Kraus
Action: Prevailed by voice vote.

MOTION: DO PASS SB 85 AS AMENDED

Moved by: Gray
Second by: Kraus

Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Kraus, Schlekeway, Gray, Johnston

Voting No: Bradford, Rampelberg, Rave

MOTION: AMEND TITLE OF SB 85

85cta

On page 1, line 2, of the printed bill, delete everything after "formula" and insert ".".

On page 1, delete line 3.

Moved by: Rave

Second by: Schlekeway

Action: Prevailed by voice vote.

MEETING RECESSED UNTIL 15 MINUTES AFTER THE CLOSE OF SESSION ON THURSDAY, FEBRUARY 9, 2012

SENATOR MARK JOHNSTON RECONVENED THE MEETING AT 4:05 P.M. ON THURSDAY, FEBRUARY 9, 2012

GAVEL PASSED TO SENATOR BOB GRAY, VICE CHAIR

SB 98: provide for a pilot program initiating two mathematics and science academies and to make an appropriation therefor.

Presented by: Senator Mark Johnston

Proponents: Mark Lee, Sioux Falls University Center
Melody Schopp, Department of Education

MOTION: AMEND SB 98

98ca

On page 3, line 5, of the printed bill, delete "eighty-four" and insert "one dollar (\$1)".

On page 3, line 6, delete "thousand dollars (\$84,000)".

Moved by: Schlekeway
Second by: Kraus
Action: Prevailed by voice vote.

MOTION: AMEND SB 98

98cb

On page 3, line 9, of the printed bill, delete "hundred" and insert "dollar (\$1)".

On page 3, line 10, delete "sixty-eight thousand dollars (\$168,000)".

Moved by: Schlekeway
Second by: Rampelberg
Action: Prevailed by voice vote.

MOTION: REFER SB 98 TO APPROPRIATIONS AS AMENDED DO PASS

Moved by: Kraus
Second by: Rampelberg
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Kraus, Rampelberg, Schlekeway, Gray, Johnston

Excused: Rave

GAVEL PASSED BACK TO SENATOR MARK JOHNSTON, CHAIR

SB 122: establish a funding formula for institutions under the control of the Board of Regents.

Presented by: Senator Bob Gray
Proponents: Paul Turman, Board of Regents

MOTION: TO TABLE SB 122

Moved by: Gray
Second by: Rampelberg
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Kraus, Rampelberg, Schlekeway, Gray, Johnston

Excused: Rave

SB 138: revise the state aid to education formula and to make an appropriation.

Presented by: Senator Russell Olson

MOTION: DO PASS SB 138

Moved by: Gray

Second by: Schlekeway

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Kraus, Rampelberg, Schlekeway, Gray, Johnston

Excused: Rave

MOTION: ADJOURN

Moved by: Rampelberg

Second by: Schlekeway

Action: Prevailed by voice vote.

Kay Johnson
Committee Secretary

J. Mark Johnston, Chair